

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

Yolton, et al v. El Paso Tennessee Pipeline Co. and CNH America LLC: Case No. 02-CV-75164

NOTICE OF AUTHORIZED CLAIM AMOUNT
(Non-Enrolled Class Member)

To: Certain hourly retirees of Case Corporation and certain of their eligible surviving spouses

I. BACKGROUND

On March 7, 2008, the Court granted Plaintiffs' motion for summary judgment as to liability. The Court's March 7, 2008 order remains subject to appeal by El Paso Tennessee and CNH America, LLC.

On August 19, 2011, the Plaintiffs and El Paso Tennessee entered into a Settlement Agreement of the litigation.

On November 17, 2011, the Court entered a Judgment approving the Settlement Agreement.

The Settlement Agreement provides for a procedure for determining and paying the Authorized Claim Amounts. Authorized Claim Amounts are an agreed upon percentage of the damages incurred by Class Members as a result of El Paso Tennessee's requirement that Class Members pay a Premium Contribution to maintain their health care insurance coverage in the 1990 Group Benefit Plan for the period September 1, 2002 through March 15, 2004 (if you retired before October 3, 1993) or through October 17, 2007 (if you retired after October 3, 1993).

On January 3 through January 7, 2012, a notice was sent to all known Class Members informing them of the opportunity to file Claims and informing them that documented Claims had to be filed by March 17, 2012.

During the Claims Period, Class Members or their authorized representatives returned Damage Claim Forms and either agreed to the Authorized Claim Amounts set forth on the Damage Claims Forms or submitted documented claims to Class Counsel.

Class Counsel reviewed all timely Damage Claim Forms and made a preliminary determination of the amount of each Authorized Claim Amount based on the documentation provided or obtained. Class Counsel provided periodic reports to El Paso Tennessee about the Damage Claims. The last such report was submitted to El Paso Tennessee on April 16, 2014.

El Paso Tennessee reviewed the reports of Class Counsel. Any objections El Paso Tennessee had with respect to the Authorized Claim Amounts were resolved pursuant to the agreed upon procedure.

On August 12, 2014, following resolution of El Paso Tennessee's objections, the Court approved this Notice and required Class Counsel to mail it to all known Class Members.

II. PROPOSED AUTHORIZED CLAIM AMOUNT

The Authorized Claim Amount for the Class Member identified on the first page of this Notice is set forth on the attached Authorized Claim Form. Attached to that Form are the backup detail sheets showing those expenses, if any, which make up the Authorized Claim Amount.

The Authorized Claim Amount is 70% (75% for Post-October 3, 1993 Class Members) of all Premium Contributions made to remain enrolled in the 1990 Group Benefit Plan after September 1, 2002 plus 70% (75% for Post-October 3, 1993 Class Members) of any amounts paid for substitute insurance as well as out-of-pocket medical expenses and prescription drug expenses (above the amounts required under the 1990 Group Benefit Plan) during any period that the Class Member was involuntarily dropped from the 1990 Group Benefit Plan for failure to pay premiums.

If the attached Authorized Claim Form shows an Authorized Claim Amount of \$0.00, then the Class Member had no Premium Contributions, did not object to the Premium Contribution Amount of \$0.00, and either: (a) did not timely submit a Damage Claim to Class Counsel; or (b) could not provide required documentation to support a Damage Claim. If you believe you timely submitted a Damage Claim by the March 17, 2012 deadline, you should file an objection as indicated below and provide Class Counsel Roger J. McClow with all documentation showing that you submitted a timely Damage Claim.

Some Class Members, who are deceased, had Premium Contributions and/or filed a Damage Claim, but the required probate documentation from an open estate was not timely provided to Class Counsel. The names of those Deceased Class Members are on the attached List. If you believe you already submitted the required probate documentation from an open estate, then contact Class Counsel Roger McClow immediately at the address below. The deadline for receipt of the required probate documentation is September 19, 2014. No payments will be made on behalf of these Class Members if the required probate documentation is not received by the September 19, 2014 deadline.

III. IF YOU AGREE WITH THE AUTHORIZED FINAL DAMAGE CLAIM AMOUNT:

If you submitted a claim for out of pocket medical expenses in addition to the Premium Contribution Amount and you agree with the Authorized Claim Amount shown on the attached Claim Form, you do not need to do anything. You will receive the Authorized Claim Amount shown after entry of the final Claims Order.

IV. IF YOU OBJECT TO AUTHORIZED CLAIM AMOUNT

If you do not agree with the Authorized Claim Amount, you must file a written objection. Any such objection must be made in writing and postmarked on or before September 19,

2014. Objections must be sent to the Clerk of the Court, Class Counsel and El Paso at the following addresses:

1. Clerk of the Court
United States District Court
Eastern District of Michigan
231 W. Lafayette Blvd.
Detroit, Michigan 48226
2. Roger J. McClow, Class Counsel
McKnight, McClow, Canzano, Smith & Radtke, P.C.
400 Galleria Officentre, Suite 117
Southfield, Michigan 48034
3. William B. Forrest III, Attorney for El Paso
Kienbaum Opperwall Hardy & Pelton, PLC
280 N. Old Woodward Ave., Suite 400
Birmingham, Michigan 48009

Objections should bear the following heading “*Yolton v. El Paso Tennessee Pipeline Co.*: Case No. 02-CV-75164, Objections to Authorized Claim Amount.” To be valid, any objection must state with specificity the basis for the objection and must be supported by written documentation demonstrating that the Authorized Claim Amount is not accurate.

If objections are received, the Court may schedule a hearing to review and rule on them. If no objections are received, or if the objections are rejected by the Court, the Court will enter a Claims Order listing the names of Class Members and the initial Authorized Claim Amounts. If there are objections which are sustained by the Court, the Court will enter a Claims Order with modified Authorized Claim Amounts for Class Members whose objections were sustained.

V. ADDITIONAL INFORMATION

Any questions you have about the matters contained in this Notice should **NOT** be directed to the Court, but should be directed in writing to:

Roger J. McClow, Class Counsel
McKnight, McClow, Canzano, Smith & Radtke, P.C.
400 Galleria Officentre, Suite 117
Southfield, MI 48034

It is extremely important that you notify Class Counsel of any change in your name or address.

You may, of course, seek the advice of your own attorney if you so desire. If you retain an attorney, you will be responsible for any costs incurred.

Dated: August 12, 2014,

David J. Weaver
Clerk of the Court, by
s/Marilyn Orem
Deputy Clerk

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